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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,087	01/13/2004	Jerry Iggulden	3944P013X	3552

8791 7590 02/07/2007
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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/757,087	Applicant(s) IGGULDEN ET AL.	
	Examiner Stella L. Woo	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6, 19, 23, 24, 36, 38, 50 and 62-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-6, 19, 23, 24, 36, 38, 50, 62-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 19, 36, 38, 50, 62, 65, 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US 6,430,488 B1, hereinafter "Goldman") in view of Mooney et al. (US 6,351,813 B1, hereinafter "Mooney").

Regarding claims 1, 19, 36, 38, 50, Goldman discloses a method for setting a programmable feature of an automobile sound system (customized radio station button settings, or station type preference data, are stored in storage device 100) comprising:

providing a transfer device (smart card reader 110 and smart card 100; col. 4, lines 51-65) having an input port and an output port (data is written to and read from the smart card 100 via the smart card reader 110; col. 5, lines 50-67);

transferring set-up data from the output port of the transfer device to the automobile sound system (customized radio station button settings, or station type preference data, stored in storage device 100 are transferred to a vehicle sound system via the card reader 110; col. 6, lines 45-55).

Regarding claims 62, 65, 68-70, Goldman discloses a method for setting a programmable feature of an automobile heating, ventilating and air conditioning (HVAC) system comprising transferring the set-up data from the output port of the transfer device to the automobile HVAC system (temperature settings stored in storage device 100 are transferred to a vehicle HVAC system via the card reader 110; col. 7, lines 1-8).

Goldman differs from claims 1, 19, 36, 38, 50, 62, 65, 68-70 in that it does not teach interactively setting a programmable feature an interactive site on a global computer network and transferring set-up data from the interactive site to the transfer device. However, Mooney teaches the well known use of a graphical user interface and receiving data via World Wide Web (col. 3, lines 39-41) for selecting and storing information onto a smart card 160 via a smart card reader 140 (col. 8, lines 47-49) such that it would have been obvious to an artisan of ordinary skill to transfer data received via the World Wide Web to a smart card, as taught by Mooney, within the method of Goldman for conveniently selecting and storing the user's preference data onto the smart card.

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4. Claims 5-6, 23-24, 63-64, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Mooney, as applied to claims 1, 19, 36, 38, 50, 62, 65, 68-70 above, and further in view of Elmers et al. (US 5,850,304, hereinafter "Elmers").

The combination of Goldman and Mooney differs from claims 5-6, 23-24, 63-64, 66-67 in that it does not teach the transfer device as comprising an optical sensor or transferring set-up data from the interactive site by modulating a portion of a display screen and sensing such modulation in the transfer device. However, as shown by Elmers, it is old and well known to transfer data from an web site (col. 10, lines 62-64) to a transfer device by modulating the display screen (data is transferred from the computer display 11 to programmable controller 12 as a series of light pulses which are detected by a photodetector within controller 12; col. 5, lines 5-18). It would have been obvious to an artisan of ordinary skill to incorporate such a well known data transfer method, as taught by Elmers, within the combination of Goldman and Mooney as an alternative to physically connecting the transfer device to the computer.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 5-6, 19, 23-24, 36, 38, 50, 62-70 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
Art Unit 2614